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Attorneys for Defendant
SIEMENS MOBILITY, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

TOMMY CANTERBERRY,

Plaintiff,

v.

ACARA SOLUTIONS, INC., a New York
business organization; SIEMENS
MOBILITY INC., a Delaware business
organization; and DOES 1-10, inclusive,

Defendants.

Case No.

**DECLARATION OF YESENIA GARCIA
PEREZ IN SUPPORT OF DEFENDANT
SIEMENS MOBILITY, INC. 'S NOTICE
TO FEDERAL COURT OF REMOVAL**

[28 U.S.C. §§ 1332, 1441, 1446 (diversity)]

Complaint filed: October 2, 2020
(Sacramento County Superior Court Case
No.: 34-2020-002-86414)

DECLARATION OF YESENIA GARCIA PEREZ

I, Yesenia Garcia Perez, hereby declare and state as follows:

1. I am an attorney with the law firm of Littler Mendelson, a Professional Corporation, counsel for Defendant SIEMENS MOBILITY, INC. (“Defendant”) in the above-entitled matter. I am duly licensed to practice law in the State of California and before the United States District Court for the Eastern District and am one of the attorneys responsible for representing said Defendant in this action. Except where otherwise indicated, all of the information contained herein is based upon my personal knowledge and if called and sworn as a witness, I could and would competently testify thereto.

2. On October 27, 2020, Plaintiff purported to serve Siemens Mobility, Inc. with the Summons and Complaint in the matter of *Tommy Canterbury v. ACARA SOLUTIONS, INC., et al.*, pending before the Superior Court of the State of California for the County of Sacramento, designated as Case No. 34-2020-00286414 (the “Complaint”). Attached hereto as **Exhibit A** are true and correct copies of all papers served on Siemens Mobility, Inc.

3. Defendant Siemens Mobility, Inc. filed an Answer and Affirmative Defenses to Plaintiff’s Complaint in the Superior Court of the State of California, Sacramento County, on November 24, 2020. A true and correct copy of Defendant’s Answer and Affirmative Defenses is attached hereto as **Exhibit B**. Defendant’s Notice to State Court of Removal will be filed no later than November 30, 2020 in the Superior Court of California, County of Sacramento upon receipt of the federal file stamped pleadings.

4. On November 17, 2020, my office confirmed with counsel for Defendant ACARA Solutions, Inc. that, on or about October 26, 2020, Plaintiff purported to serve ACARA Solutions, Inc. with the Summons and Complaint in the matter of *Tommy Canterbury v. ACARA SOLUTIONS, INC., et al.*, pending before the Superior Court of the State of California for the County of Sacramento, designated as Case No. 34-2020-00286414.

5. On or about November 23, 2020, Defendant Siemens Mobility, Inc. received a copy of Defendant ACARA Solutions, Inc.’s Answer to Complaint. Attached hereto as **Exhibit C** is a true and correct copy of the Answer to Complaint Siemens Mobility, Inc. received.

6. On or about November 18, 2020, I conducted a search for “ACARA Solutions Inc.” on the webpage for the California Secretary of State. Pursuant to the search results, ACARA Solutions, Inc. is a New York corporation. I conducted the search at the following address: <https://businesssearch.sos.ca.gov/CBS/SearchResults?filing=&SearchType=CORP&SearchCriteria=ACARA+Solutions+&SearchSubType=Keyword>

7. On or about November 18, 2020, I conducted a search on ACARA Solutions, Inc.'s webpage. Pursuant to that webpage, ACARA Solutions, Inc. is headquartered in New York State. I conducted the search at the following address: <https://acarasolutions.com/contact/office-locations/>

8. On or about November 23, 2020 my office conferred with counsel for ACARA Solutions, Inc. and confirmed the parties' mutual consent for removal. Attached hereto as **Exhibit D**, is a true and correct copy of the e-mail correspondence confirming ACARA Solutions, Inc.'s and Siemens Mobility, Inc.'s consent to removal.

9. As of today, I am not aware of any other parties that have been named or validly served with the Summons and Complaint in this matter.

10. Other than the court proceedings and documents attached hereto, I am not aware of any further proceedings or filings regarding this case in Sacramento County Superior Court.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct, and that this declaration was executed November 25, 2020, in Walnut Creek, California..

/s/ YESENIA GARCIA PEREZ
YESENIA GARCIA PEREZ